

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02135-ABJ**

WATERKEEPER ALLIANCE et al v. ENVIRONMENTAL
PROTECTION AGENCY

Assigned to: Judge Amy Berman Jackson

Case: 1:18-cv-02260-TJK

Cause: 05:552 Freedom of Information Act

Plaintiff

WATERKEEPER ALLIANCE

Date Filed: 09/14/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Carrie F. Apfel**
EARTHJUSTICE
Sustainable Food and Farming Program
1625 Massachusetts Avenue, NW
Suite 702
Washington, DC 20036
(202) 667-4500
Fax: (202) 667-2356
Email: capfel@earthjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexis Andiman
EARTHJUSTICE
48 Wall Street
15th Floor
New York, NY 10005
(212) 845-7376
Fax: (212) 918-1556
Email: aandiman@earthjustice.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

SIERRA CLUB

represented by **Carrie F. Apfel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexis Andiman
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2518
Email: john.moustakas@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE

DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
TERMINATED: 08/07/2019

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 09/14/2018 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5689367) filed by WATERKEEPER ALLIANCE, SIERRA CLUB. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons to Wheeler, # <u>8</u> Summons to Sessions, # <u>9</u> Summons to Liu)(Apfel, Carrie) (Entered: 09/14/2018) |
| 09/14/2018 | <u>2</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alexis Andiman, :Firm- Earthjustice, :Address- 48 Wall Street, 15th Floor, New York, NY 10005. Phone No. - (212) 845-7376. Fax No. - (212) 918-1556 Filing fee \$ 100, receipt number 0090-5689382. Fee Status: Fee Paid. by SIERRA CLUB, WATERKEEPER ALLIANCE (Attachments: # <u>1</u> Declaration of Alexis Andiman, # <u>2</u> Text of Proposed Order)(Apfel, Carrie) (Entered: 09/14/2018) |
| 09/14/2018 | <u>3</u> | Corporate Disclosure Statement by WATERKEEPER ALLIANCE. (Apfel, Carrie) (Entered: 09/14/2018) |
| 09/14/2018 | <u>4</u> | Corporate Disclosure Statement by SIERRA CLUB. (Apfel, Carrie) (Entered: 09/14/2018) |
| 09/21/2018 | | ATTORNEY RENEWAL fee received: \$ 25.00, online pay.gov receipt number: 0090-5699767. (zmd) (Entered: 09/21/2018) |
| 09/21/2018 | | Case Assigned to Judge Amy Berman Jackson. (zmd) (Entered: 09/21/2018) |
| 09/24/2018 | <u>5</u> | MINUTE ORDER granting <u>2</u> Motion for Leave of Alexis Andiman to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 9/24/18. (DMK) (Entered: 09/24/2018) |
| 09/24/2018 | <u>6</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 09/24/2018) |
| 10/08/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 9/28/2018 (Apfel, Carrie) (Entered: 10/08/2018) |
| 10/08/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/01/2018. (Apfel, Carrie) (Entered: 10/08/2018) |
| 10/08/2018 | <u>9</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/1/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/31/2018. (Apfel, Carrie) (Entered: 10/08/2018) |
| 10/16/2018 | <u>10</u> | NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 1:18-cv-02260-TJK. (Apfel, Carrie) (Entered: 10/16/2018) |
| 10/31/2018 | <u>11</u> | ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Hendry, Melanie) (Entered: 10/31/2018) |
| 10/31/2018 | <u>12</u> | ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendant shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of its production of documents to plaintiff, on or before November 28, 2018. SO ORDERED. Signed by |

| | | |
|------------|-----------|--|
| | | Judge Amy Berman Jackson on 10/31/2018. (lcabj2) (Entered: 10/31/2018) |
| 11/28/2018 | <u>13</u> | STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Hendry, Melanie) (Entered: 11/28/2018) |
| 11/29/2018 | | MINUTE ORDER. Defendant must submit another status report by January 2, 2019. Signed by Judge Amy Berman Jackson on 11/29/2018. (lcabj2) (Entered: 11/29/2018) |
| 12/31/2018 | <u>14</u> | Unopposed MOTION to Stay <i>in Light of the Lapse in Appropriations</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Hendry, Melanie) (Entered: 12/31/2018) |
| 01/04/2019 | | MINUTE ORDER granting <u>14</u> Motion to Stay. Defendant must notify the Court within two business days of the resumption of government operations and propose a revised schedule for the production of documents and the filing of a status report, if necessary, at that time. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/4/2019. (lcabj2) (Entered: 01/04/2019) |
| 01/30/2019 | <u>15</u> | NOTICE of Resumption of Government Operations and Proposed Schedule by U.S. ENVIRONMENTAL PROTECTION AGENCY (Hendry, Melanie) (Entered: 01/30/2019) |
| 01/31/2019 | | MINUTE ORDER. In light of defendant's notice <u>15</u> , it is ORDERED that this Court's January 4, 2019 minute order granting a stay in this case is hereby lifted. Defendant must file a status report by February 15, 2019 that includes the plaintiffs' position on any proposed schedule. Signed by Judge Amy Berman Jackson on 1/31/2019. (lcabj2) (Entered: 01/31/2019) |
| 02/15/2019 | <u>16</u> | STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Hendry, Melanie) (Entered: 02/15/2019) |
| 02/26/2019 | | MINUTE ORDER. In light of the defendant's status report <u>16</u> , it is ORDERED that defendant will review 1,000 documents a month and release the non-exempt portions in monthly productions. It is FURTHER ORDERED that defendant must submit a status report by May 28, 2019. Signed by Judge Amy Berman Jackson on 2/26/2019. (lcabj2) (Entered: 02/26/2019) |
| 05/24/2019 | <u>17</u> | STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Hendry, Melanie) (Entered: 05/24/2019) |
| 05/28/2019 | | MINUTE ORDER. Defendant must file another status report on August 23, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 5/28/2019. (lcabj2) (Entered: 05/28/2019) |
| 08/07/2019 | <u>18</u> | NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019) |
| 08/22/2019 | <u>19</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Moustakas, John) (Entered: 08/22/2019) |
| 08/26/2019 | | MINUTE ORDER. Defendant must file another status report on November 25, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 8/26/2019. (lcabj2) (Entered: 08/26/2019) |
| 11/20/2019 | <u>20</u> | STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Moustakas, John) (Entered: 11/20/2019) |